Remarks

This Amendment is responsive to the Final Office Action of **September 2, 2005**. Reexamination and reconsideration of claims 1-8, 14, 18-28 is respectfully requested.

Summary of The Final Office Action

Claim 28 stands rejected under 35 U.S.C. § 101 since the claim could purportedly be an intangible such as a carrier wave.

Claims 1-8 and 18-22 stand rejected under 35 U.S.C. § 112, second paragraph.

Claims 1-8, 18-19, 21-23, 25-26, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokomizo et al. (U.S. 6,321,266 B1) in view of Okazawa (U.S. 6,459,496 B1).

Claims 14, 20, 24, and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Yokomizo et al. (U.S. 6,321,266 B1) in view of Okazawa (U.S. 6,459,496 B1), and further in view of Herrendoerfer et al. (U.S. 6,473,759 B1).

35 U.S.C. § 101 Rejection

Claim 28 was rejected under 35 U.S.C. § 101 since the term "computer-readable medium" could purportedly be an intangible such as a carrier wave. Applicant respectfully submits that no authority was cited which proves that a carrier wave has been adjudicated as an intangible or as being non-statutory subject matter. On the contrary, as is well known to one of ordinary skill in the art, a carrier wave comprises physical electrical signals configured in a specific way. As is also well known, electrical signals can be generated, transmitted, modified, measured, and processed in a number of ways by electrical devices. To an electrical engineer or scientist, a carrier wave is just as physical and tangible as a brick. Therefore, claim 28 is statutory subject matter under § 101.

However, to address the Examiner's concerns regarding the specification, claim 28 has been amended to a computer program product. This is supported by, for example, page 4, lines 21-25, which describe a computer that processes programs. A computer program product is also supported by the entire specification since it describes a computer and related executable processes and it is very well known that a computer functions by executing software/firmware programs. Thus, the amendment is believed to cure the Examiner's objections.

35 U.S.C. § 112, second paragraph, Rejection

Claims 1-8, and 18-22 were rejected under 35 U.S.C. § 112, second paragraph. In particular, the Office Action states that the language relating to "the non-printing task" of claim 1 contradicts itself. Applicant respectfully submits that claim 1 recites a method where a non-printing task is formatted and caused to be executed by a printing device. For example, as the claim recites, the method formats a non-printing task and execution instructions into a packet. Then the method causes a printing device to execute the non-printing task.

The phrase "where the non-printing task is not a task associated with being processed by a printing device" makes it clear that the non-printing task is originally not a task that is to be processed by a printing device. For example, a printer is designed to process print jobs (a print job is a task that is to be processed by the printer). Prior printers cannot process non-print jobs because the are not designed to process them. However, because of the claimed formatting and transmitting, the method of claim 1 provides a unique process where the non-printing task becomes executable by a printing device. Therefore, claim 1 is definite and the rejection should be withdrawn.

Regarding claim 18, the term "large" has been deleted. Therefore, claim 18 is definite and the rejection should now be overcome.

The Present Claims Patentably Distinguish Over the References of Record

Claims 1-8, 18-19, 21-23, 25-26, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokomizo et al. (U.S. 6,321,266 B1) in view of Okazawa (U.S. 6,459,496 B1). The rejection is based on an interpretation that Okazawa teaches processing non-printing tasks in view of a discussion of printer sleep states. However as explained below, Okazawa only processes print data, and a printer sleep state is not a non-printing task as presently claimed. Also, the elements and features claimed that involve a non-printing task are not taught or suggested by the references. Therefore, the references to do not support the rejection.

Independent Claim 1

The Office Action states on page 4 that Yokomizo fails to explicitly teach that the task being a non-printing task. Thus, it then follows that the steps/actions recited associated with processing a non-printing task as claimed are also not taught or suggested by Yokomizo. Yokomizo only discusses transmitting print jobs to printers and processing print jobs by printers. Okazawa is used to cure the shortcomings of Yokomizo in that the Office Action states "Okazawa teaches tasks in a sleep state or idle state (non-printing task)..."

Applicant respectfully submits that Okazawa describes a printing apparatus being in a sleep state or in a print-ready state. For example, "...printing apparatuses as being either in the sleep state or in the print-ready state..." (see Abstract, line 12 and line 17; column 1, lines 11-12, and lines 56-58). The state or mode of a piece of hardware has no relation to a non-printing task or any other type of executable task. Thus, an interpretation that a printer sleep state teaches the claimed non-printing task is not correct. Therefore, Okazawa fails to teach or suggest the claimed method including formatting a non-printing task and execution instructions, and thus fails to cure the shortcomings of Yokomizo.

Additionally, claim 1 recites that a non-printing task is not a task associated with being processed by a printing device. For example, a typical printer (like in Okazawa and Yokomizo) is configured to process print jobs. Thus, a print job does not qualify as a non-printing task. Okazawa only describes a printing apparatus that processes print jobs and print data. There is no discussion about processing non-printing tasks in the manner claimed.

For example, Okazawa in column 1, line 28 states: "...supply of printing data from a host unit...". Column 1, lines 38-39 state: "If printing data is received in the sleep mode, power supply to the printer engine is resumed." Column 1, lines 65-66 state: "...generating a printing image based on printing data sent from the host unit..." Thus, Okazawa only teaches a typical printing apparatus that processes print data (e.g. printing tasks).

Therefore, Okazawa fails to teach or suggest a method or apparatus where non-printing tasks are formatted and transmitted to a printing device for execution as recited in claim 1. Neither Okazawa nor Yokomizo teach or suggest formatting non-printing tasks such that they can be executed by a printing device. Both references only discuss a printer that processes print jobs. Thus, the rejection is not supported by the references and must be removed.

Since claim 1 recites features not taught or suggested by the references, individually or in combination, claim 1 patentably distinguishes over the references. Accordingly, dependent claims 2-6 also patentably distinguish over the references and are in condition for allowance.

Independent Claim 18

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokomizo et al. in view of Okazawa.

As explained above, the printer sleep state in Okazawa is not a non-printing task. Okazawa only teaches a host unit that sends print data to a printing apparatus (as explained above, see Okazawa column 1, line 28, and lines 38-39, and column 1, lines 65-66). Thus, Okazawa teaches processing printing tasks but says nothing about processing non-printing tasks by a printing device, and fails to cure the short comings of Yokomizo.

Therefore, Yokomizo combined with Okazawa fails to teach or suggest a computer system including means for generating a non-printing task comprising data and execution instructions configured to allow at least one printing device to execute the non-printing task as recited in claim 18. Claim 18 thus patentably distinguishes over the references, individually or

in combination with each other. Accordingly, dependent claims 19-22 also patentably distinguish over the references and are in condition for allowance.

Independent Claim 23

Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokomizo et al. in view of Okazawa for the same reasons as stated for claim 18. However, the Office Action states in paragraph 17, "see references of Yokomizo and Harif". Since Harif was cited in the previous Office Action and is not currently listed in the rejections, Applicant assumes the reference of Okazawa was intended.

As explained previously, neither Yokomizo nor Okazawa teach or suggest any system for processing non-printing tasks to a printing device. They are both directed to a typically system that sends print jobs to a printer.

Thus the references, individually or in combination with each other, fail to teach or suggest the presently claimed computer with programming commands that parse a non-printing task from a processing job and re-assign the non-printing task for execution by a printing device as recited in claim 23. The references further fail to teach or suggest programming commands that transmit the non-printing task and instructions for processing the non-printing task to the printing device.

Since the reference only discuss a printer that processes print jobs and print data, the references further fail to teach or suggest the claimed printing device that can determine a necessary functionality for processing the non-printing task and processing the non-printing task as recited in claim 23. Therefore, the references do not support the rejection and the rejection should be withdrawn.

Thus, claim 23 patentably and unobviously distinguishes over the references and is in condition for allowance. Accordingly, dependent claims 24-27 also patentably distinguish over the references and are in condition for allowance.

<u>Independent Claim 28</u>

Claim 28 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokomizo et al. in view of Okazawa. The Office Action states in paragraph 20 that "the broadest reasonable interpretation" of claim 28 "is merely determining when a sleep or idle state is awakened from the sleep mode". Applicant respectfully submits that this is not a reasonable interpretation based on the claims per se or when the claims are read in light of the present specification.

Applicant respectfully submits that determining when a sleep state is awakened has no relation to what is recited in claim 28. One of ordinary skill would find no basis to support that "determining when a sleep state is awakened" teaches the features of claim 28. One of ordinary skill would also not understand the interpretation of the Office Action based on the teachings of the present specification, thus the interpretation is improper under § 103. Claim 28 recites a computer program product that performs a method comprising selecting a non-print job, formatting the non-print job to be executable by a printing device, and transmitting the non-print job to the printing device for execution by the printing device. The references, individually or in combination, fail to teach or suggest the features of claim 28.

As previously explained, Okazawa only discloses sending print jobs to a printing apparatus. Non-print jobs are not formatted and transmitted for execution to a printing device. Determining the sleep state of a printer does not teach or suggest the claimed features. Okazawa fails to cure the shortcomings of Yokomizo.

Claim 28, thus, patentably distinguishes over the references of record and is in condition for allowance.

Claims 14, 20, 24, and 27

Claims 14, 20, 24, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yokomizo et al. in view of Okazawa, and further in view of Herrendoerfer et al.

<u>Independent Claim 14</u>

As described previously, Okazawa fails teach or suggest any type of processing relating to non-printing tasks are claimed. The sleep state of a printer in Okazawa has no relation or relevance to a non-printing task as claimed. Okazawa also provides no suggestion as to how Yokomizo can be modified to achieve present claim 14. The Examiner is invited to provide a more detailed explanation that describes the reasoning of the Office Action. Otherwise, applicant believes one of ordinary skill in the art would find no basis to interpret Okazawa in the manner suggested and no basis to find claim 14 obvious based on the teachings of the references. Herrendoerfer discusses JAVA but fails to cure the shortcomings of Yokomizo and Okazawa.

Thus, claim 14 patentably and unobviously distinguishes over the references and is in condition for allowance.
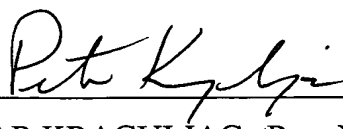
As for claims 20, 24, and 27, since they dependent from independent claims that have been shown to patentably distinguish over the references of record and are in condition for allowance, these claims are also in condition for allowance.

Conclusion

For the reasons set forth above, **claims 1-8, 14, 18-28** patentably and unobviously distinguish over the references of record and are now in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

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